

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 2:12-cr-00033-MR-DLH-2**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH ASHE,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's *pro se* "Motion to Appeal Decision" [Doc. 222].

On March 19, 2013, the Defendant pleaded guilty pursuant to a written plea agreement to conspiracy to possess with intent to distribute a quantity of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and 846. On December 3, 2013, the Defendant's counsel filed an Unopposed Motion for a Hearing Regarding Status of Counsel [Doc. 134], which was heard by the Magistrate Judge on December 6, 2013. At the hearing, the Magistrate Judge found that the Defendant had knowingly and voluntarily waived his right to counsel and therefore allowed the Defendant to represent himself.

The Magistrate Judge entered a written order to this effect on December 11, 2013. [Doc. 141].

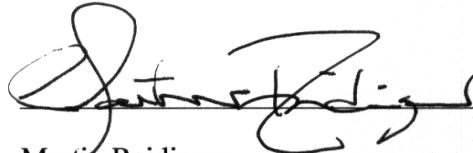
This matter proceeded to sentencing on December 11, 2013, at which time this Court sentenced the Defendant to 87 months' imprisonment. [Doc. 147]. The Defendant appealed, and on September 9, 2014, the Fourth Circuit Court of Appeals affirmed his conviction and sentence in an unpublished opinion. United States v. Ashe, No. 13-4992 (4th Cir. Sep. 9, 2014) (per curiam). The Defendant has filed a motion to vacate pursuant to 28 U.S.C. § 2255, which is still pending. [Doc. 210].

The Defendant now seeks to appeal the Magistrate Judge's Order allowing him to proceed *pro se*. [Doc. 222]. The Defendant's motion must be denied. The Defendant failed to raise any objection to the District Court regarding the Magistrate Judge's Order. See Fed. R. Crim. P. 59(a) (stating that objections to a magistrate judge's nondispositive order must be filed within 14 days). He further failed to raise any objection to the Order on his direct appeal. Having failed to object to the Magistrate Judge's Order in a timely manner, the Defendant's appeal must be denied and dismissed.

IT IS, THEREFORE, ORDERED that the Defendant's *pro se* "Motion to Appeal Decision" [Doc. 222] is **DENIED** and **DISMISSED**.

IT IS SO ORDERED.

Signed: May 14, 2015


Martin Reidinger
United States District Judge

